

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Promoting Diversification of Ownership)	MB Docket No. 07-294
In the Broadcasting Services)	
)	
2006 Quadrennial Regulatory Review –)	MB Docket No. 06-121
Review of the Commission’s Broadcast)	
Ownership Rules and Other Rules Adopted)	
Pursuant to Section 202 of the)	
Telecommunications Act of 1996)	
)	
2002 Biennial Regulatory Review – Review of)	MB Docket No. 02-277
the Commission’s Broadcast Ownership Rules)	
and Other Rules Adopted Pursuant to Section)	
202 of the Telecommunications Act of 1996)	
)	
Cross-Ownership of Broadcast Stations and)	MM Docket No. 01-235
Newspapers)	
)	
Rules and Policies Concerning Multiple)	MM Docket No. 01-317
Ownership of Radio Broadcast Stations in)	
Local Markets)	
)	
Definition of Radio Markets)	MM Docket No. 00-244
)	
Ways to Further Section 257 Mandate and To)	MB Docket No. 04-228
Build on Earlier Studies)	

To: The Commission

SUPPLEMENT TO REPLY COMMENTS OF
THE COMMUNITY BROADCASTERS ASSOCIATION

1. The Community Broadcasters Association (CBA) filed Comments and Reply Comments in this proceeding, discussing the Commission’s authority to enable Class A televisions to achieve must-carry status on cable television systems. CBA wishes to make it clear that the fact that it did not address the proposal to reallocate television Channels 5 and 6

to FM radio broadcasting should not in any way be construed to mean that CBA either endorses or takes no position with respect to that proposal. On the contrary, CBA believes that the proposal is very deficient as it now stands, because it does not provide for accommodation of the many Class A and Low Power Television (LPTV) stations that operate on these two channels.¹

2. Evaluating the proposal based only on full power television stations is unjustified and unfair. A CDBS “station” search indicates that there are 14 Class A television stations and 292 LPTV and TV Translator stations authorized on Channels 5 and 6 across the nation. Relocating these stations would be far more difficult than relocating a relatively small number of full power TV stations and could well turn out to be impossible, particularly in urban areas where minority and foreign language viewers depend on Class A/LPTV stations. *See, e.g.,* the Comments of Island Broadcasting Co. and Signal Above LLC.²

3. The existence and survival of these stations are just as important as the authorization of new radio stations. Moreover, the TV stations were there first and as such are entitled priority, rather than being discarded in favor of expanding another service. Class A, LPTV, and TV Translator stations serve rural, minority, and niche audiences and provide an important road for small businesses and members of minority groups to attain television ownership. It would run counter to the very policies the Commission is trying to advance in

¹ If the Commission will not accept these Supplement To Reply Comments after the Reply Comment deadline, CBA requests that this pleading be entered into the record as an *ex parte* communication and taken into account the same way as any other *ex parte* letter or late filing would be treated. There will likely be many more *ex parte* communications yet to come in this proceeding.

² Venture Technologies Group, LLC, a well-established LPTV operator, also commented against the Channel 5-6 reallocation proposal.

this proceeding -- localism and diversity of programming and ownership -- to open the band to more radio broadcasting at the expense of Class A and LPTV stations.³

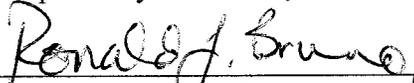
3. While it may be true that there is considerable pent-up demand for more radio licenses, there is no reason to believe that there is not an equal or greater pent-up demand for TV licenses. New full power TV applications were barred by a freeze for over a decade during the digital television transition, and there have been no LPTV application windows since 2000. There was no dearth of applications whenever an opportunity was presented to file for either full power or low power television licenses; so there is no reason to conclude that demand has subsided and will not re-surface when new filing opportunities are opened up, particularly in light of the new opportunities presented by multi-channel digital broadcasting.

4. The concept of moving Low Power FM (LPFM) stations out of the 88-108 MHz band to eliminate friction between LPFM and full power FM broadcasters may sound appealing. However, the LPFM situation is no different from LPTV, where interspersing LPTV stations throughout the TV band has generated some friction with full power TV broadcasters but in the end has increased the overall efficiency of use of the TV spectrum. CBA does not wish to take any credit away from LPFM stations or the services they provide to the public. Both LPFM and LPTV stations represent localism and diversity and should be encouraged. However, the thought that LPFM is so important as to justify stranding LPTV stations is completely unacceptable.

³ Displacing an existing service creates uncertainty and instability, which in turn discourage investment and impair access to capital -- again undermining important economic objectives of this proceeding.

5. No one has come forward with any plan, let alone a workable plan, for relocating all these stations. Without such a plan, the proposal to reallocate Channels 5 and 6 must be shelved.

Respectfully submitted,



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